

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

JUAN ALVAREZ, #1335803

v.

DIRECTOR, TDCJ-CID

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CIVIL ACTION NO. 4:20-CV-113

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

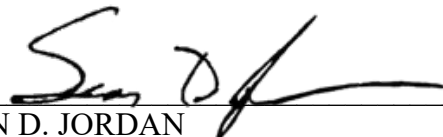
The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this action, has been presented for consideration. (Dkt. #5). The Report and Recommendation recommends that Petitioner Juan Alvarez's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 be dismissed as a successive writ that has not been authorized by the United States Court of Appeals for the Fifth Circuit.

Alvarez failed to timely file any written objections to the Magistrate Judge's Report and Recommendation. After the deadline had passed for Alvarez to submit objections, he filed a motion requesting a ninety-day extension of the deadline to object to the Magistrate Judge's Report and Recommendation. (Dkt. #6). The motion is **DENIED**.

The Court concludes that the findings and conclusions of the Magistrate Judge are correct. The findings and conclusions of the Magistrate Judge are therefore adopted as those of the Court.

It is therefore **ORDERED** that Alvarez's unauthorized, successive petition for writ of habeas corpus is **DISMISSED for lack of jurisdiction**. Before Alvarez may file a second or successive petition for writ of habeas corpus in the district court, he must move the Fifth Circuit for an order authorizing the district court to consider the successive writ. 28 U.S.C. § 2244(b)(3)(A). This Court has no jurisdiction to consider a successive writ absent prior authorization from the Fifth Circuit. *Id.*

So ORDERED and SIGNED this 27th day of May, 2020.



SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE